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May 31, 2019

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

GARY W. KNACK,

Defendant.

NO. 2:17-CR-00048-JLQ-2

ORDER RE: WITHDRAW OF PLEA  
AND DISMISSAL OF INDICTMENT  
WITH PREJUDICE

On May 31, 2019 the court held a status hearing on Defendant's Indictment of Felon in Possession of a Firearm and Ammunition, in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(2). Defendant was present, not in custody, and represented by Kent Doll, Jr. Assistant United States Attorney David Herzog appeared for the Government. United States Probation Officer Storms was present in the courtroom, and Officer Zepeda was present via telephone. This Order memorializes and supplements the court's oral rulings.

On May 25, 2017, Defendant and the United States entered into a Plea and Deferred Prosecution Agreement (hereinafter "the Agreement"). (ECF No. 59). Contained in the Agreement is a stipulation that if Defendant pled guilty to Count One of the Indictment filed on March 21, 2017, the United States would move to continue sentencing for two years and, after two years, if Defendant had not violated any of the terms of the agreement or the terms of his pretrial release Order (ECF No. 24), the United States would move to dismiss the Indictment and "not to bring any additional charges against Defendant based upon information in the possession of the United States at the time of this Agreement and

1 arising out of Defendant's conduct involving the illegal activity charged in Count One of  
2 the Indictment." (*Id.* at 4-6).

3 At the hearing, the United States stated that Defendant had been in compliance with  
4 the terms of the Agreement. Defendant moved to withdraw his guilty plea, and the United  
5 States had no objection to the withdrawal. The United States made an oral motion for  
6 dismissal of the Indictment with prejudice as to Defendant Knack.

7 **IT IS HEREBY ORDERED:**

8 1. Defendant's Motion to withdraw the plea of guilty entered on May 25, 2017 is  
9 **GRANTED.**

10 2. Defendant's plea of guilty entered on May 25, 2017 is **WITHDRAWN.**

11 3. The United States' Motion to Dismiss the Indictment with prejudice as to  
12 Defendant Knack is **GRANTED.**

13 4. The Indictment (**ECF No. 1**) is **DISMISSED** with prejudice as to Defendant  
14 Knack.

15 **IT IS SO ORDERED.** The Clerk is hereby directed to enter this Order, and  
16 judgment of dismissal of the Indictment against Defendant Knack, and furnish copies to  
17 counsel and the United States Probation Office.

18 **DATED** this 31<sup>st</sup> day of May, 2019.

19 s/ Justin L. Quackenbush  
20 JUSTIN L. QUACKENBUSH  
21 SENIOR UNITED STATES DISTRICT JUDGE  
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